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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph de la Torre

Group Art Unit: 3732

Serial No.: 10/666,707

Examiner: Annette R. Reimers

Filed: 19 SEP 2003

Attorney Docket: MED-019

Title: Pericardial Retractor

I hereby certify that this correspondence is being deposited on this day with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

David P. Gordon

David P. Gordon

9-8-05

Date

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

This is a timely reply to an Office Action dated August 11, 2005. As this amendment does not alter then number of claims in a manner to require additional fees, and no extension fee is required, no fees are enclosed herewith. If any additional fee is due, please charge the fee to deposit account no. 07-1732.

ELECTION WITH TRAVERSE

Applicant provisionally elects to prosecute Invention I (claims 1-3, 5-8, 10-12, 17, and 20-21 and Species I (Figs. 1-12). All of the claims in Invention I read on Species I.

The Applicant traverses the restriction requirement on the grounds that both Inventions I and II have ostensibly already been searched as the original restriction requirement only applied to claims 22-25 (method claims) and the previous election requirement was the same as the present election requirement. Since claims to both the push button and the keyway read on Figs. 1-12, it follows that both of these features should have been searched following the previous election.